

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CLIFFORD A. LOWE, *et al.*,

Plaintiff,

vs.

SHIELDMARK, INC., *et al.*,

Defendants.

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Case No. 1:19-cv-748

OPINION & ORDER

[Related Doc. [129](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

With this order, the Court **GRANTS** in part and **DENIES** in part Plaintiffs' motion to reset the expert report scheduling.

Plaintiffs argue that Defendants bear the burden of showing Plaintiffs' patent is invalid. Plaintiffs are correct.

But this Court's scheduling order<sup>1</sup> requires both parties exchange their respective expert reports 90 days before the trial. Presumptively, Plaintiffs' opening expert report will give opinion on infringement and Defendants' opening expert report will discuss Defendants' argument that Plaintiffs' '664 Patent is invalid.

Both Plaintiff and Defendant will then have 30 days to file rebuttal reports.

As described, Plaintiffs shoulder the burden to show patent infringement. Defendants bear the burden to establish patent invalidity and unenforceability. The Court finds the Court's earlier scheduling order consistent with Civil Rule 26 and with the spirit of N.D. Ohio Local Patent Rule 5.1.

As the Court previously ordered, Opening Expert Reports are due by **7/11/22** and Rebuttal Expert Reports are due by **8/19/22**.

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<sup>1</sup> Doc. 117.

Case No. 1:19-cv-748  
Gwin, J.

IT IS SO ORDERED

Dated: June 10, 2022

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE